

**Senate Study Bill 3188 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON SMITH)

**A BILL FOR**

1 An Act relating to the expenditure of public funds and funds  
2 held in trust by statewide elected officials, members of the  
3 general assembly, or local officials on certain forms of  
4 advertisement and imposing penalties.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 68A.405A Advertising expenditures  
2 prior to elections prohibited.

3 1. For the purposes of this section:

4 a. "*Designated communication*" means a public advertisement  
5 or promotion delivered through a paid direct mailing, a paid  
6 radio communication, or a paid television communication funded  
7 in whole or in part with public moneys or moneys held in a  
8 private trust fund as defined by section 8.2, or a trust  
9 fund controlled by a political subdivision of the state, if  
10 such paid direct mailing, paid radio communication, or paid  
11 television communication bears the written name, likeness, or  
12 voice of a statewide elected official, a member of the general  
13 assembly, or a local official. "*Designated communication*" does  
14 not mean any of the following:

15 (1) A report, record, letter, memorandum, document,  
16 envelope, cover sheet, certificate, constituent correspondence,  
17 routine ministerial material, or ceremonial material bearing  
18 the name, official logo, or official letterhead of the office  
19 of a statewide elected official, a member of the general  
20 assembly, or local official, provided that such report,  
21 record, letter, memorandum, document, envelope, cover sheet,  
22 certificate, routine ministerial material, or ceremonial  
23 material is used or generated in the course of the statewide  
24 elected official's, member of the general assembly's, or local  
25 official's duties.

26 (2) A depiction of the great seal of the state of Iowa  
27 through any medium when such depiction has been approved by the  
28 office of the governor.

29 (3) Official press releases or press advisories issued by  
30 the office of a statewide elected official, a member of the  
31 general assembly, or a local official in any form.

32 (4) A publication, literature, or other medium of  
33 communication designed to further the purposes of section  
34 29C.3.

35 (5) A payment made by the office of a statewide elected

1 official, the general assembly, or a local official to the  
2 management of a fair in order to reserve a physical floor space  
3 at a fairground or grounds as defined by section 174.1 for use  
4 by the statewide elected official, the general assembly, or  
5 the local official for a booth or display at a fair event as  
6 defined in section 174.1.

7     *b. "Designated exhibit expenditure"* means a billboard,  
8 placard, banner, table skirt, sign, display, or other physical  
9 structure in excess of one hundred fifty square inches funded  
10 in whole or in part with public moneys or moneys held in a  
11 private trust fund as defined in section 8.2, or a trust fund  
12 controlled by a political subdivision of the state, and placed  
13 or displayed within or upon a defined physical booth space  
14 located at a fairground or grounds as defined in section 174.1  
15 bearing the written name, likeness, or voice of a statewide  
16 elected official, a member of the general assembly, or a local  
17 official. *"Designated exhibit expenditure"* does not mean any  
18 of the following:

19     (1) A report, record, letter, memorandum, document,  
20 envelope, cover sheet, certificate, constituent correspondence,  
21 routine ministerial material, or ceremonial material bearing  
22 the name, official logo, or official letterhead of the office  
23 of a statewide elected official, a member of the general  
24 assembly, or local official, provided that such report,  
25 record, letter, memorandum, document, envelope, cover sheet,  
26 certificate, routine ministerial material, or ceremonial  
27 material is used or generated in the course of the statewide  
28 elected official's, member of the general assembly's, or local  
29 official's duties.

30     (2) A depiction of the great seal of the state of Iowa  
31 through any medium when such depiction has been approved by the  
32 office of the governor.

33     (3) Official press releases or press advisories issued by  
34 the office of a statewide elected official, a member of the  
35 general assembly, or a local official in any form.

1 (4) A publication, literature, or other medium of  
2 communication designed to further the purposes of section  
3 29C.3.

4 (5) A payment made by the office of a statewide elected  
5 official, the general assembly, or a local official to the  
6 management of a fair in order to reserve a physical floor space  
7 at a fairground or grounds as defined by section 174.1 for use  
8 by the statewide elected official, the general assembly, or  
9 the local official for a booth or display at a fair event as  
10 defined in section 174.1.

11 c. *"Local official"* means the same as defined in section  
12 68B.2.

13 d. *"Statewide elected official"* means the same as defined  
14 in section 68B.2.

15 2. A statewide elected official, a member of the general  
16 assembly, or a local official shall not make or authorize a  
17 designated communication or designated exhibit expenditure to  
18 be made within thirty days before a general election.

19 3. A statewide elected official, member of the general  
20 assembly, or local official who makes or authorizes a  
21 designated communication or designated exhibit expenditure to  
22 be made more than thirty days before a general election shall  
23 clearly affix to the designated communication or designated  
24 exhibit expenditure an attribution statement disclosing the  
25 source of the public moneys or moneys held in trust used to  
26 pay for the designated communication or designated exhibit  
27 expenditure. An attribution statement is not required to be  
28 affixed to a designated communication or designated exhibit  
29 expenditure made using a medium substantially similar to those  
30 listed in section 68A.405, subsection 2.

31 4. An attribution statement required by subsection 3 shall  
32 be displayed or transmitted as follows:

33 a. For a designated communication in the form of a paid  
34 direct mailing, the attribution statement shall be printed on  
35 the paid direct mailing and shall include the words "paid for

1 by" followed by the exact source of the public moneys or moneys  
2 held in trust so used to pay for the designated communication  
3 in question.

4     *b.* For a designated communication in the form of a paid  
5 radio communication, the attribution statement shall be stated  
6 clearly and in an understandable manner easily ascertainable by  
7 the listener of such paid radio communication and shall include  
8 the words "paid for by" followed by the exact source of the  
9 public moneys or moneys held in trust so used to pay for the  
10 designated communication.

11     *c.* For a designated communication in the form of a paid  
12 television communication, the attribution statement shall  
13 include the words "paid for by" followed by the exact source  
14 of the public moneys or moneys held in trust so used to pay for  
15 the designated communication. Such attribution statement shall  
16 be displayed on the screen in a clearly readable manner for at  
17 least four seconds.

18     *d.* For a designated exhibit expenditure requiring an  
19 attribution statement, the attribution statement shall be  
20 printed on the billboard, placard, banner, table skirt,  
21 sign, display, or other physical structure and shall include  
22 the words "paid for by" followed by the exact source of the  
23 public moneys or moneys held in trust so used to pay for the  
24 designated exhibit expenditure.

25     5. A person who willfully violates this section shall be  
26 subject to a civil penalty of an amount up to the amount of  
27 moneys withdrawn from a public account, private trust fund  
28 as defined in section 8.2, or trust fund controlled by a  
29 political subdivision of the state used to fund the designated  
30 communication or designated exhibit expenditure found to be in  
31 violation of this section by the board. Such penalty shall be  
32 determined and assessed by the board and paid into the account  
33 from which such moneys were withdrawn. Additional criminal or  
34 civil penalties available under section 68A.701 or established  
35 by the board pursuant to section 68B.32A may also be determined

1 and assessed by the board for violations of this section.

2 6. This section shall not apply to any physically printed or  
3 electronically printed, published, or disseminated materials or  
4 literature generated by a statewide elected official, member of  
5 the general assembly, or local official prior to the effective  
6 date of this Act.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with  
9 the explanation's substance by the members of the general assembly.

10 This bill prohibits a statewide elected official, defined  
11 as the governor, lieutenant governor, secretary of state,  
12 treasurer of state, auditor of state, attorney general, or  
13 secretary of agriculture; member of the general assembly; or  
14 local official from expending public moneys or moneys held in  
15 a trust controlled by the state or a political subdivision on  
16 designated communications or designated exhibit expenditures  
17 within 30 days before a general election. The bill defines  
18 designated communication as a public advertisement or  
19 promotion delivered through a paid direct mailing, a paid radio  
20 communication, or a paid television communication if such  
21 advertisement or promotion bears the written name, likeness, or  
22 voice of a statewide elected official, member of the general  
23 assembly, or local official. The bill defines designated  
24 exhibit expenditure as a billboard, placard, banner, table  
25 skirt, sign, display, or other physical structure in excess  
26 of 150 square inches placed or displayed within or upon a  
27 defined physical booth space located at a fairground or grounds  
28 as defined in Code section 174.1 bearing the written name,  
29 likeness, or voice of a statewide elected official, member of  
30 the general assembly, or local official.

31 The bill excludes from the definitions of designated  
32 communication and designated exhibit expenditure all of the  
33 following: a report, record, letter, memorandum, document,  
34 envelope, cover sheet, certificate, constituent correspondence,  
35 routine ministerial material, or ceremonial material bearing

1 the name, official logo, or official letterhead of the office  
2 of a statewide elected official, a member of the general  
3 assembly, or local official, provided that such report,  
4 record, letter, memorandum, document, envelope, cover sheet,  
5 certificate, routine ministerial material, or ceremonial  
6 material is used or generated in the course of the statewide  
7 elected official's, member of the general assembly's, or  
8 local official's duties; a depiction of the great seal of the  
9 state of Iowa through any medium when such depiction has been  
10 approved by the office of the governor; official press releases  
11 or press advisories issued by the office of a statewide elected  
12 official, a member of the general assembly, or a local official  
13 in any form; a publication, literature, or other medium of  
14 communication related to a proclamation of a state of public  
15 disorder by the governor; and a payment made by the office of a  
16 statewide elected official, the general assembly, or a local  
17 official to the management of a fair in order to reserve a  
18 physical floor space at a fairground or grounds for use by the  
19 statewide elected official, the general assembly, or the local  
20 official for a booth or display at a fair event.

21 The bill requires any designated communication or designated  
22 exhibit expenditure made more than 30 days before a general  
23 election to include an attribution statement disclosing  
24 the source of the moneys used to pay for the designated  
25 communication or designated exhibit expenditure, unless the  
26 designated communication or designated exhibit expenditure uses  
27 a medium substantially similar to those found in Code section  
28 68A.405.

29 A person who willfully violates the bill shall be subject  
30 to a civil penalty of an amount up to the amount of moneys  
31 withdrawn from a public account, private trust fund as  
32 defined in Code section 8.2, or trust fund controlled by a  
33 political subdivision of the state used to fund the designated  
34 communication or designated exhibit expenditure as found by  
35 the board. Such penalty shall be determined and assessed by

1 the board and paid into the account from which such moneys  
2 were withdrawn. Any additional criminal or civil penalties  
3 available under Code section 68A.701 or established by the  
4 board pursuant to Code section 68B.32A may also be determined  
5 and assessed by the board for violations of the bill.

6 The bill does not apply to any physically printed or  
7 electronically printed, published, or disseminated materials or  
8 literature generated by a statewide elected official, member of  
9 the general assembly, or local official prior to the effective  
10 date of the bill.